



of video games that are uploaded, hosted, and made playable via Epic Games' Fortnite platform.

3. On information and belief, Defendant Mostafa Chajar is an individual residing in Mohammedia, Morocco.

### **III. JURISDICTION & VENUE**

4. Subject matter jurisdiction is vested in this Court under 28 U.S.C. § 1331 and § 1338 because this dispute concerns the rights of parties under the Copyright Act, 17 U.S.C. § 101 *et seq.*

5. The Court has personal jurisdiction over Defendant because Defendant consented to jurisdiction in a Digital Millennium Copyright Act ("DMCA") counter notification under 17 U.S.C. § 512 (g)(3)(D). This counter notification is attached hereto as **Exhibit A**, which Defendant submitted to Epic Games, Inc.

6. Jurisdiction is proper in this judicial district under 17 U.S.C. § 512(g)(3)(D) because Defendant is located outside the United States and the service provider in question, Epic Games, Inc., is headquartered in this judicial district.

7. Upon information and belief, Defendant intentionally created derivative works from MM Games' copyrighted "Fortnite Island" titled "Crazy Red Vs Blue" and advertised and distributed that infringing work on the internet as the Fortnite Island titled "Simple Red Vs Blue." Simple Red Vs Blue is identified under Island Code 0973-5498-1594.

8. MM Games' suffered copyright infringement arises out of and results from Defendant's North Carolina and United States related activities.

9. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(3) because the Defendant is subject to the Court's personal jurisdiction with respect to this action, and the action may not otherwise be brought in any other district provided by 28 U.S.C. § 1391(b)(1) or

(b)(2).

#### **IV. FACTS IN SUPPORT OF CLAIMS FOR RELIEF**

##### **A. Epic Games' Fortnite and Island Creator Program**

10. Epic Games, Inc. ("Epic Games"), was founded in 1991 by Tim Sweeney, and is one of the world's leading interactive entertainment companies. Epic Games develops some of the most widely used 3D engine technology in the video game industry and operates some of the world's most popular video games.

11. Epic Games' 3D engine technology, known as "Unreal Engine," is the underlying technology that powers many of the world's leading video games and has been implemented outside of the video game industry in areas such as television, film, architecture, automotive, manufacturing, and simulation. Through its Unreal Engine, online game store, and online services, Epic Games provides an end-to-end digital ecosystem for video game developers and creators to build, distribute, and operate games and other content.

12. Epic Games is perhaps best known for operating one of the world's most popular video games – Fortnite.

13. Fortnite is an online video game that was originally released in 2017. Fortnite's most popular game mode is Battle Royale. "In [*Fortnite*], battle royale means up to 100 players on a single map trying to be the last person or squad standing as the safe zones get smaller and smaller, forcing all remaining players together."<sup>2</sup>

14. Fortnite can be accessed on a multitude of devices - PlayStation 4, PlayStation 5, Xbox One, Xbox Series X|S, Nintendo Switch and Switch Lite, Android devices, iOS devices

---

<sup>2</sup> Sarah LeBoeuf, *What is 'Fortnite'? A Look at the Video Game that has Become a Phenomenon*, NBC NEWS (June 30, 2018), <https://www.nbcnews.com/tech/tech-news/what-fortnite-look-video-game-has-become-phenomenon-n887706>.

within the EU, and PC.

15. Today, Fortnite features several additional game modes and players have created over 500 million accounts for Fortnite worldwide.<sup>3</sup>

16. In addition to its base Battle Royale game mode, Epic Games also operates what it calls the “Fortnite Island Creator Program,”<sup>4</sup> which allows anyone to apply to become an official publisher of new game modes (known as “Fortnite Islands” or “Islands”) inside the Fortnite ecosystem. These publisher-created Islands are free to download within Fortnite and are accessible to anyone who plays the game.

17. Epic Games actively encourages individuals to apply to become part of the Fortnite Island Creator Program and offers Engagement Payouts to all publishers. “Engagement payouts proportionally distribute a percentage of the net revenue from Fortnite’s Item Shop and most real-money purchases to all Island publishers on a monthly basis. Payouts are based on what players enjoy in Fortnite and account for Island popularity, engagement, attracting new players, and other measurements described below.”<sup>5</sup>

18. Epic Games also provides tools to official publishers used to create Islands, including the “Unreal Editor For Fortnite.”<sup>6</sup>

19. When applying to become an official publisher, individuals accept the terms of both the Fortnite End User License Agreement (“EULA”)<sup>7</sup> and the Unreal Engine Fortnite

---

<sup>3</sup> <https://x.com/EpicNewsroom/status/1407324102034182145>, EPIC GAMES NEWSROOM, (last visited Feb. 25, 2025).

<sup>4</sup> *Welcome to the Island Creator Program*, EPIC GAMES, <https://create.fortnite.com/enroll?team=personal> (last visited Feb. 25, 2025).

<sup>5</sup> *Engagement Payout*, EPIC GAMES, <https://dev.epicgames.com/documentation/en-us/fortnite-creative/engagement-payouts-in-fortnite-creative> (last visited Feb. 25, 2025).

<sup>6</sup> *Unreal Editor for Fortnite*, EPIC GAMES, <https://www.unrealengine.com/en-US/uses/uefn-unreal-editor-for-fortnite> (last visited Feb. 25, 2025).

<sup>7</sup> *Fortnite End User License Agreement*, EPIC GAMES (Dec. 17, 2024), <https://www.fortnite.com/eula>.

Supplemental Terms.<sup>8</sup> Both of these sets of terms prohibit individuals from infringing upon the intellectual property of others.

20. Publishers must devote significant time and attention to create a successful map in Fortnite. Epic Games provides an initial set of assets for publishers to use, but publishers must make extensive modifications to those assets in order to produce a new and successful map.

21. To begin creating a new map, publishers are “given their own small Island—effectively a virtual blank page . . . .”<sup>9</sup>

22. Publishers can “rotate, resize, and move items” and can “modify the terrain and environmental settings to create the desired atmosphere” for their maps.<sup>10</sup> They can “[a]dd various devices like spawn points, timers, scoreboards, and traps to enhance the gaming experience.”<sup>11</sup> Additionally, publishers identify “weapons, consumables, and chests” as part of producing a unique aesthetic and user experience.<sup>12</sup> Publishers must also place buildings, ultimately “creating [their] own town.”<sup>13</sup> Epic Games provides singular elements, but publishers combine those elements to create entire maps and game modes, “allowing talented players to really define the sort of experience they want to build.”<sup>14</sup>

---

<sup>8</sup> *Unreal Editor for Fortnite Supplemental Terms to the EULA*, EPIC GAMES, <https://www.fortnite.com/unreal-editor-for-fortnite-supplemental-terms> (last visited Feb. 25, 2025); *Fortnite Island Creator Rules*, EPIC GAMES (Jan. 23, 2025), <https://www.fortnite.com/news/fortnite-island-creator-rules>.

<sup>9</sup> Keith Stuart, *Fortnite’s New Creative Mode: A Game-Changer*, THE GUARDIAN (Dec. 11, 2018), <https://www.theguardian.com/games/2018/dec/11/fortnites-new-creative-mode-a-game-changer>.

<sup>10</sup> Leandro Sandmann, *Fortnite Creative: How to Use Creative Mode for Epic Builds*, EXITLAG (July 6, 2024), <https://www.exitlag.com/blog/fortnite-creative/>.

<sup>11</sup> *Id.*

<sup>12</sup> *How to Make and Share Creative 2.0 Maps in Fortnite*, DIGNITAS (Mar. 16, 2024), <https://dignitas.gg/articles/how-to-make-and-share-creative-2-0-maps-in-fortnite>.

<sup>13</sup> Stuart, *Fortnite’s New Creative Mode: A Game-Changer*.

<sup>14</sup> *Id.*

**B. MM Games' Copyrights for its Game, "Crazy Red Vs Blue"**

23. MM Games is a Croatian company founded in 2021 by game developer and designer Mateo Martić. Mr. Martić has achieved immense success developing several different games on the Fortnite platform, including the Fortnite Island known as "Crazy Red Vs Blue." Crazy Red Vs Blue is identified under Island Code 2898-7886- 8847. This game can be viewed on the Fortnite platform by searching its Island code or through the following URL: <https://www.fortnite.com/@rvb/2898-7886-8847?lang=en-US>. Crazy Red Vs Blue was first launched on Fortnite on June 21, 2023, and has been played across the world millions of times. Screenshots of this game's Splash Screen, which includes an image representation of the game and general descriptors, as well as an image from the player's in-game perspective are below:



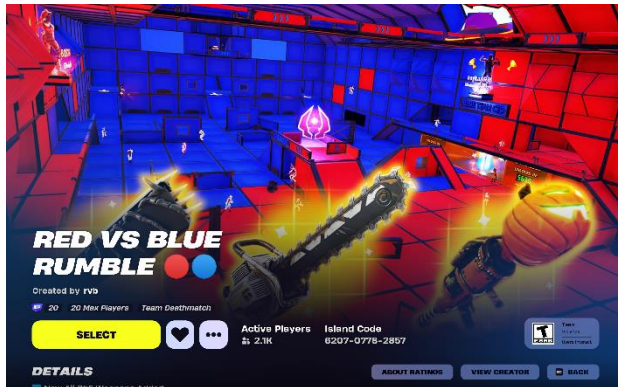
24. MM Games' success is owed to Mr. Martić's imagination and creativity, with gamers choosing to play on his Fortnite Islands over tens of thousands of others on a daily basis.

25. MM Games has also published several other popular Fortnite Islands including

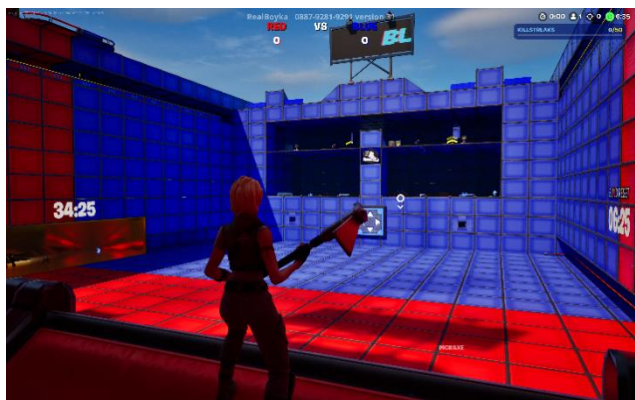
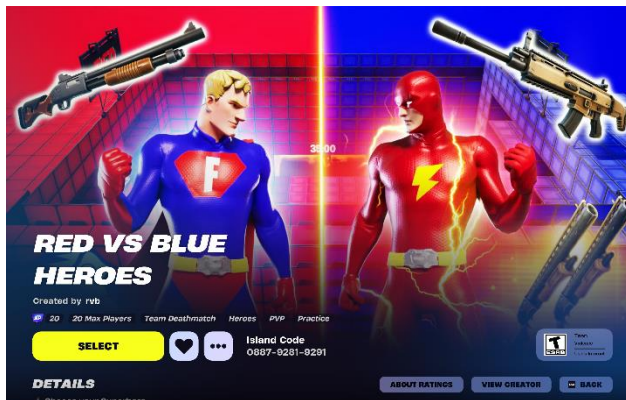


“Red Vs Blue Rumble,”<sup>15</sup> “Red Vs Blue Heroes,”<sup>16</sup> and “Box Fight & Zone Wars.”<sup>17</sup> Screenshots from these games are below:

### Red Vs Blue Rumble:



### Red Vs Blue Heroes:



<sup>15</sup> *Red vs Blue Rumble*, EPIC GAMES, <https://www.fortnite.com/@rvb/6207-0778-2857?lang=en-US> (last visited Feb. 25, 2025).

<sup>16</sup> *Red vs Blue Heroes*, EPIC GAMES, <https://www.fortnite.com/@rvb/0887-9281-9291?lang=en-US> (last visited Feb. 25, 2025).

<sup>17</sup> *Box Fight & Zone Wars*, EPIC GAMES, <https://www.fortnite.com/@boykaaro/9228-8994-1362> (last visited Feb 25, 2025).

## Box Fight & Zone Wars:



26. MM Games continues to create its own original games that contain distinctive artistic styles, and designs and displays original Splash Screens (a graphic representation of the game shown to potential players when they are selecting an Island within Fortnite) to advertise to and attract players.

27. MM Games invested and continues to invest substantial time and resources in developing the above-mentioned games and has gone to great length to protect the investment, including by obtaining copyrights that cover the unique works of authorship and by spending over \$2,000 per month on YouTube and TikTok posts to protect its reputation. This substantial investment has resulted in Crazy Red Vs Blue ranking as the top “Red Vs Blue” Island in Fortnite:

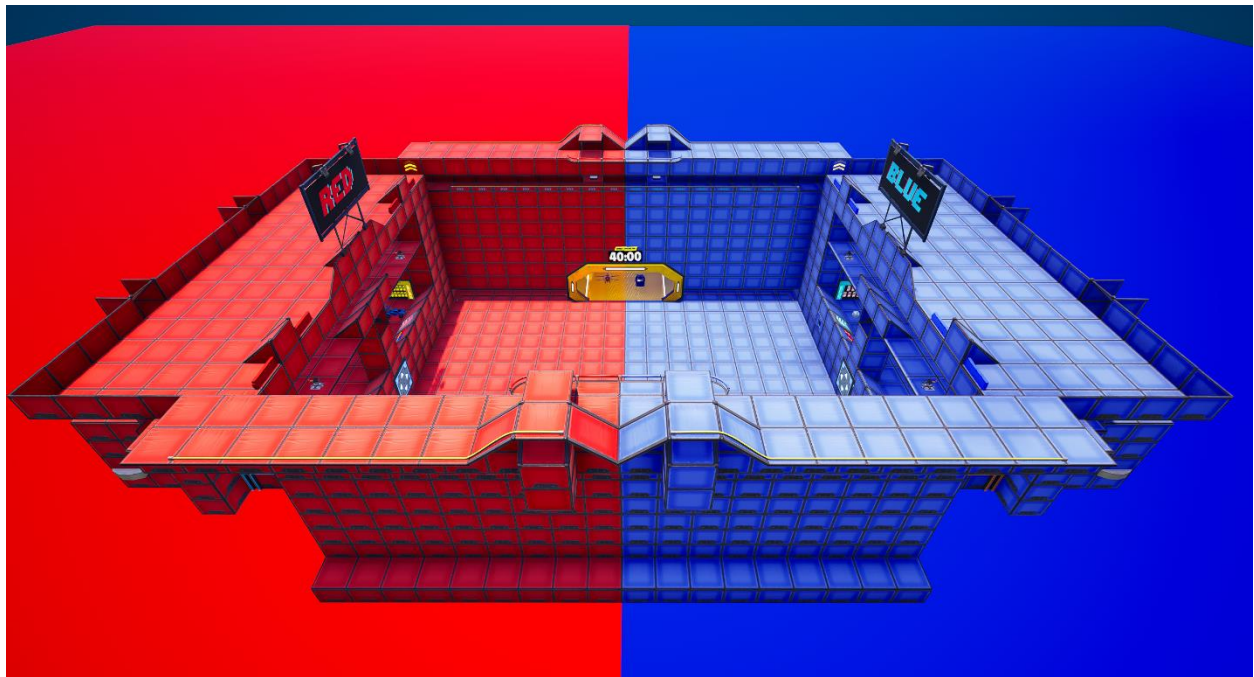


MOST PLAYED MAPS				
<div> <div>All</div> <div>Favorites</div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> </div> <div> <div> <div> <div>red vs blue</div> <div>x</div> </div> <div>TAG</div> <div>RELEASE DATE</div> </div> </div>				
RANK			PLAYERS NOW	ALL-TIME PEAK
10		CRAZY RED VS BLUE	20,836	163,049
18		SUPER RED VS BLUE	9,746	80,589
45		ULTRA RED VS BLUE	3,161	50,356
50		TMNT RED VS BLUE	2,630	84,324
67		AMAZING RED VS BLUE	1,910	29,351
110		MEGA RED VS BLUE HERO	1,088	75,331
115		TILTED TOWER RED VS BLUE	962	6,046
122		RED VS BLUE RUMBLE	936	26,756
148		TMNT LEGEND RED VS BLUE	796	4,636
162		FIRST PERSON RED VS BLUE	697	9,839
202		INSANE RED VS BLUE	471	2,999
203		INSANE RED VS BLUE	473	3,222

28. MM Games’ copyrighted Island, Crazy Red Vs Blue, is highly distinctive and well-recognized throughout the Fortnite community. It is comprised of two separate “Spawn Bases” where players enter the game from a loading area and use as a base of operations for their respective teams. A single “Combat Zone” resides in the middle of the Island where players engage in combat against the opposite team.

29. MM Games owns a federally registered copyright for the audio-visual work of the Fortnite Island Crazy Red Vs Blue and the designs, creative choices, and unique elements found

therein. In-game screenshots accompanied by relevant descriptions of MM Games' copyrighted Island are below:



A top-down view of the entire game shows a square-shaped Combat Zone divided in half with red on one half and blue on the other. Two “Spawn Bases,” where players enter the Island from the Fortnite main menu on either side depending on the team they are assigned to (red or blue), reside at the far ends of either side of the Island underneath a ceiling, above which the labels “RED” and “BLUE” hover over the map on either side. The top layer of the Island is also square-shaped, with balconies jutting out from all four sides.

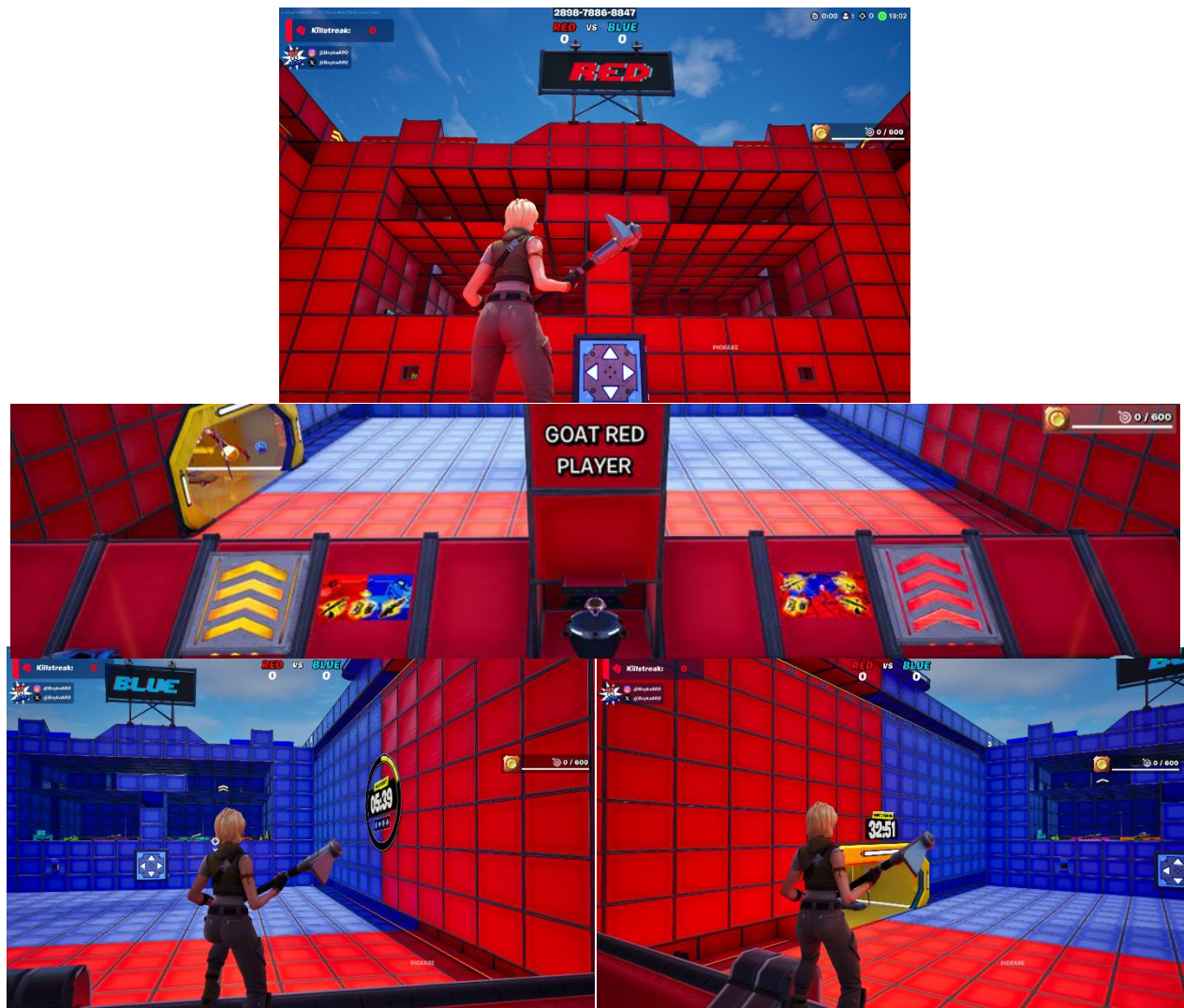


Inside of the red-side Spawn Base exist various vending machines where players can access in-game items and weapons. Weapons that are under the “Mythic” and “Exotic” labels are placed in vending machines, while all other weapons are placed in “Item Placers.” Item Placers are specific locations that hold items for players to acquire. Above each vending machine are text or visual labels depicting the type of each weapon available through each machine. The Item Placers/vending machines reside along the bottom portion of the left, back, and right-side walls of the Spawn Base. On the left and right-side walls exist two rectangular prism-shaped openings with arrows pointing upwards. Along the back-side wall of the Spawn Base there are weapon/item vending machines that have a large visual representation of each machine’s corresponding class of weapon/item above each machine. A parallel Spawn Base exists on the blue side of the map.

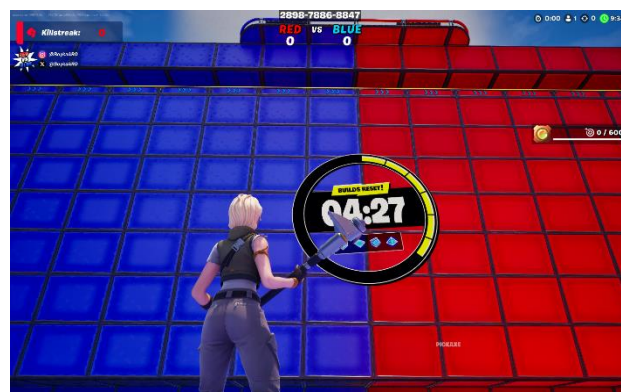




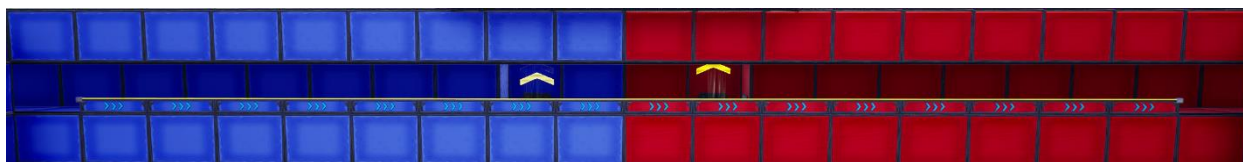
In the center of the Spawn Bases, there are a number of “Superpowers” available for purchase with in-game currency that are represented by text, unique colors, and their respective graphical logos.



Each Spawn Base has an opening with a ledge marked by two forward facing arrows that leads into the central rectangle-shaped Combat Area. Above the red-side Spawn Base is a label reading “RED.” A parallel setup exists on the “BLUE” side of the map. At the center of the Combat Zone the colors of each side meet and divide the Island in half. On the left and right side of the Combat Zone, directly intersecting with the center line that separates the two-colored sides of the map, exists a vault of in-game items with a countdown timer above it on one side, and a countdown timer that indicates when the map will “reset builds” (remove all player user-placed structures) within the Combat Zone on the other.



The vault resides on one side of the Combat Zone and contains numerous in-game items within it and displays a timer above it. The vault also has an outlined border around it, and the center line between the red and blue sides intersects directly through the middle of the vault. The center line also directly intersects on the opposite side with the build reset timer which contain the words “BUILDS RESET,” through the middle.





On either side of the Combat Zone exist grind rails indented into the side walls with openings.

30. The United States Copyright Office registered MM Games' copyright in Crazy Red Vs Blue (Reg. No. PA0002501440), with an effective date of registration of November 19, 2024. A copy of MM Games Certificate of Registration is attached hereto as **Exhibit B**.

**C. Defendant's Infringing Activities**

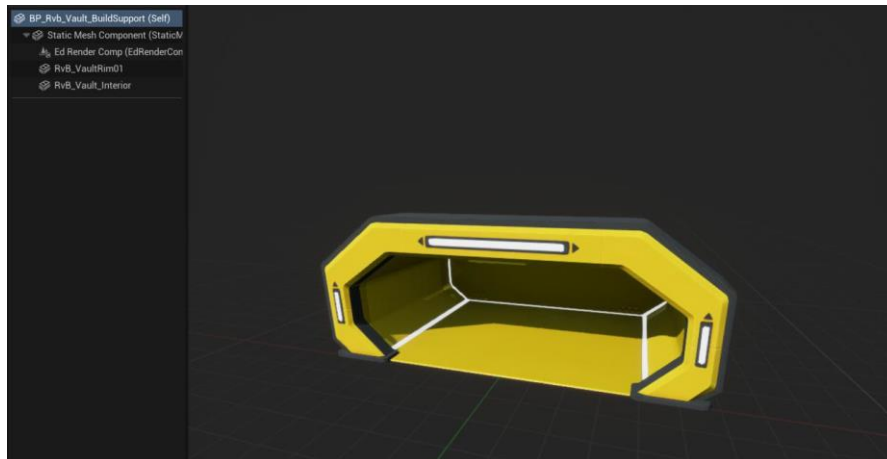
31. On May 2, 2025, Plaintiff MM Games submitted a DMCA take down notice under 17 U.S.C. § 512(c)(1)(C) to Epic Games asserting Defendant had infringed on Plaintiff's copyrights.

32. Defendant submitted a DMCA counter notification on May 8, 2025. *See* **Exhibit A**.

33. Shortly thereafter, Epic Games responded by taking down Simple Red Vs Blue and making it inaccessible through the Fortnite platform.

34. Included in Plaintiff's DMCA take down was evidence that Defendant infringed upon an asset from Plaintiff's Fortnite Island, Crazy Red Vs Blue, which demonstrated that Defendant had downloaded and copied Plaintiff's asset into Simple Red Vs Blue without Plaintiff's permission. A copy of this evidence is attached hereto as **Exhibit C**.

35. The asset in question is the Golden Vault found in the center of Crazy Red Vs Blue. A screenshot of the asset taken in Unreal Editor For Fortnite is shown below:



36. MM Games has never publicly shared the underlying assets of the Golden Vault or from Crazy Red Vs Blue.

37. Upon information and belief, Defendant used an unauthorized method of accessing and downloading the underlying assets of Crazy Red Vs Blue to copy the Golden Vault into Simple Red Vs Blue.

38. A comparison of the vaults from within Simple Red Vs Blue and Crazy Red Vs Blue is shown below:

**Simple Red Vs Blue (Defendant):**



**Crazy Red Vs Blue (MM Games):**



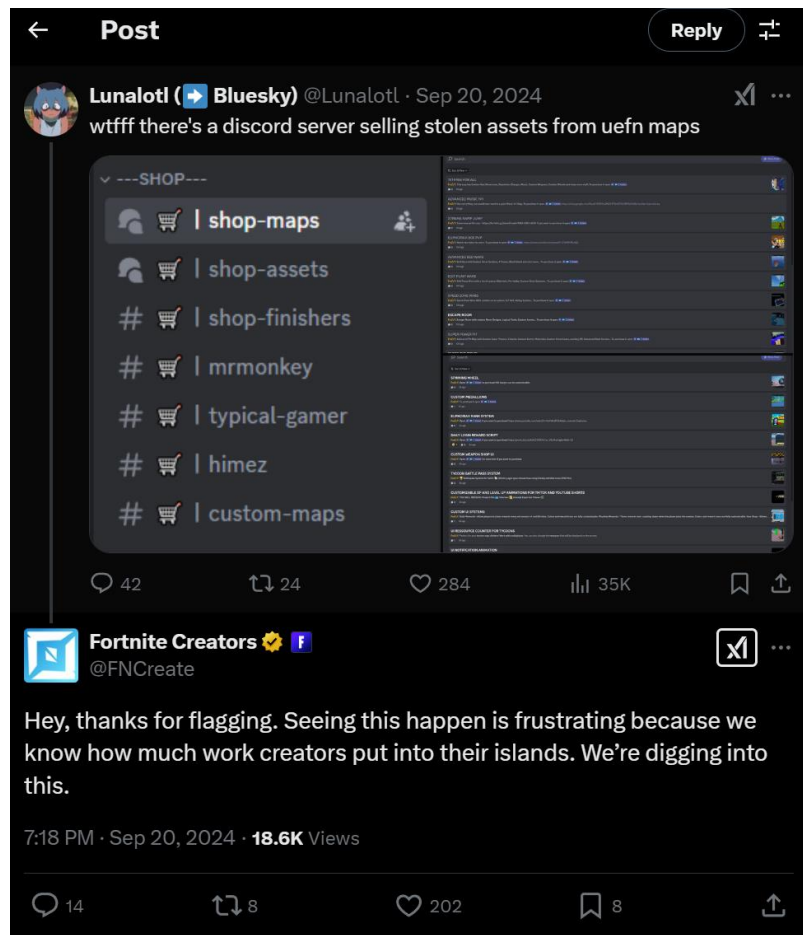
39. Defendant also displayed the Golden Vault in Simple Red Vs Blue's Splash Screen, shown below:



40. Though Defendant's exact means of copying is unknown, the unmistakable similarities between the two vaults such as the distinctive yellow and black vault rims, three white glowing strips, illuminated vault interiors, and the central placement of the vault in the Combat

Zone serve as direct evidence that Defendant accessed Crazy Red Vs Blue.

41. Furthermore, as shown below in an X post from an official Epic Games account, Epic has acknowledged that assets from a creator's Island can be stolen and used in a way unintended by the Fortnite platform.



<https://x.com/FNCreate/status/1837270036945265049>

## **V. CAUSE OF ACTION**

### **COPYRIGHT INFRINGEMENT (17 U.S.C. § 101, *ET SEQ.*)**

41. MM Games re-alleges and incorporates by reference all of the allegations set forth in Paragraphs 1 to 41 as if fully set forth here.

42. MM Games' audio-visual work constitutes an original work of authorship and copyrightable subject matter under the laws of the United States. This original work is embodied

in MM Games' Fortnite Island Crazy Red Vs Blue.

43. MM Games is the sole owner of all exclusive rights in and to Crazy Red Vs Blue, and the U.S. Copyright Office's Certificate of Registration is prima facie evidence of the validity of MM Games' copyright.

44. Defendant has copied, created derivative works of, distributed copies to the public, and publicly displayed MM Games' protected audio-visual work, all without the consent or authority of MM Games.

45. Defendant's actions were and are intentional, willful, wanton, and performed in complete disregard of MM Games' rights.

46. Defendant's actions therefore constitute infringement of MM Games' exclusive rights, in violation of the Copyright Act, 17 U.S.C. §§ 106 and 501.

47. MM Games has been and will continue to be damaged by Defendant's wrongful infringement of MM Games' copyright, and Defendant has been and continues to be unjustly enriched in an amount to be proven at trial.

48. MM Games is alternatively entitled to statutory damages under 17 U.S.C. § 504(c), which should be enhanced due to the nature of Defendant's infringement in accordance with 17 U.S.C. § 504(c)(2).

49. MM Games is also entitled to recover its attorneys' fees and costs pursuant to 17 U.S.C. §§ 505 and 512(f).

## **VI. PRAYER FOR RELIEF**

WHEREFORE, MM Games prays for a judgment in this action as follows:

1. A permanent injunction enjoining and restraining Defendant, and all persons or entities acting in concert with Defendant, perpetually, from copying, creating derivative works



from, distributing copies of, offering for sale and/or publicly displaying any of MM Games' copyrighted Island;

2. Awarding MM Games a money judgment, granting compensatory relief, the precise amount to be proven at trial;

3. Awarding MM Games punitive damages for Defendant's deliberate and willful misconduct;

4. An order under 17 U.S.C. § 503(b) requiring Defendant to impound, on such terms as the Court may deem reasonable: all copies claimed to have been made or used in violation of MM Games' exclusive rights; all means of which such copies may be reproduced; all records documenting the manufacture, sale, or receipt of things involved in any violation; and to destroy or otherwise reasonably dispose of all copies found to have been made or used in violation of MM Games' exclusive right, including the removal of the infringing Island from the Fortnite platform and any other online platform where the infringing Island is available for download or publicly displayed;

5. Awarding MM Games pre- and post-judgment interest;

6. Awarding MM Games its costs, disbursements, and reasonable attorneys' fees in this action, as permitted by law; and

7. Such other and further relief as the Court deems just and equitable.

## **VII. JURY DEMAND**

MM Games demands that all claims or causes of action raised in this Complaint be tried by a jury to the fullest extent possible under the United States Constitution.

Dated: May 21, 2025

DORSEY & WHITNEY LLP

By: */s/ Michael B. Cohen*

---

DORSEY & WHITNEY LLP

J. Michael Keyes (*pro hac vice pending*)

*keyes.michael@dorsey.com*

Dylan Harlow (*pro hac vice pending*)

*harlow.dylan@dorsey.com*

Kayla 'Auli'ilani Ganir (*pro hac vice pending*)

*ganir.kayla@dorsey.com*

701 Fifth Avenue, Suite 6100

Seattle, WA 98104

TROUTMAN PEPPER LOCKE LLP

Michael B. Cohen (N.C. Bar No. 50629)

*michael.cohen@troutman.com*

305 Church at North Hills Street, Suite 1200

Raleigh, NC 27609

Telephone: 919.835.4141

*Attorneys for Plaintiff MM Games d.o.o.*

### **VERIFICATION**

I, Mateo Martić, declare as follows:

1. I am the sole owner of Plaintiff MM Games d.o.o. ("MM Games"). I have reviewed the foregoing Verified Complaint and verify that the statements made therein are true and correct to the best of my knowledge, information, and belief.
2. I have personal knowledge of MM Games, MM Games' activities, and MM Games' copyrights, including those set forth in the foregoing Verified Complaint, and if called to testify, I would testify as to the matters stated therein.
3. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States that the foregoing factual statements in the Verified Complaint about myself, MM Games, MM Games' activities, and MM Games' copyrights are true and correct factual statements.

Executed on May 20th 2025 in Sesvete, Croatia.

Mateo M.  
Mateo Martić